

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>IN RE PHARMACEUTICAL INDUSTRY</b>	)	
<b>AVERAGE WHOLESALE PRICE</b>	)	
<b>LITIGATION</b>	)	MDL NO. 1456
	)	MASTER CASE NO. 01-cv-12257-
	)	PBS
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	SUB-CATEGORY CASE NO. 1:09-
	)	cv-12056
Mississippi v. Abbott Laboratories, et al.	)	
Case No. 09-cv-12058	)	Judge Patti B. Saris
	)	

**DEFENDANT TAKEDA PHARMACEUTICALS AMERICA, INC.'S  
INITIAL DISCLOSURES PURSUANT TO RULE 26**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and this Court's Order issued at the June 24, 2011 Status Conference in this matter, Defendant Takeda Pharmaceuticals America, Inc. ("Takeda"), by and through its attorneys, makes the following initial disclosures:

**INTRODUCTORY STATEMENT**

The following disclosures are made based upon the information reasonably available to Takeda as of this date. Takeda reserves the right to supplement, amend, or modify these disclosures as new information becomes available. By making these disclosures, Takeda does not represent that it has identified every witness possibly relevant to this lawsuit. Rather, Takeda's disclosures represent a good faith effort at this early stage to identify persons likely to have discoverable information that Takeda may use to support its claims or defenses based upon its understanding of the State of Mississippi's Complaint (the "Complaint").

**DISCLOSURES**

**I. Persons with Knowledge (Rule 26(a)(1)(A)(i))**

Takeda states that the following individuals are likely to have discoverable information that Takeda may use to support its claims or defenses. Takeda states further that the identity of

additional individuals with relevant information might be found in documents produced in this case and reserves the right to supplement this list. All Takeda employees should be contacted through Takeda's counsel.

1. Current and former employees and elected and/or appointed officials or representatives of the Mississippi State and School Employee's Health Insurance Management Board and the Mississippi Department of Finance and Administration, Office of Insurance, as well as their predecessor agencies, contractors, and consultants. Such persons may have knowledge regarding: coverage and reimbursement of Actos<sup>®</sup> (the only Takeda drug at issue) dispensed to the beneficiaries of the Mississippi State and School Employee's Health Insurance Plan ("the State Health Plan"); the State Health Plan's use of a pharmacy benefits manager ("PBM") to administer its prescription drug benefit; payments or co-payments made by the State Health Plan or its PBM for Actos<sup>®</sup>; the AWP, WACs, and other pricing benchmarks for Actos<sup>®</sup>; and healthcare providers' actual costs for Actos<sup>®</sup>.
2. Current and former employees of the PBMs utilized by the State Health Plan, including but not limited to current and former employees of Caremark/Advance PCS and Catalyst. Such persons may have knowledge regarding: the State Health Plan's coverage and reimbursement of Actos<sup>®</sup>; the PBM's contractual relationship with the State Health Plan; payments or co-payments made by the State Health Plan or the PBM on behalf of the State Health Plan for Actos<sup>®</sup>; the AWP, WACs, and other pricing benchmarks for Actos<sup>®</sup>; and healthcare providers' actual costs for Actos<sup>®</sup>.
3. Healthcare providers who purchased and dispensed Actos<sup>®</sup>. Such persons may have knowledge regarding: coverage and reimbursement by the State Health Plan or its PBM; payments or co-payments by the State Health Plan or its PBM; and healthcare providers' actual costs for Actos<sup>®</sup>.
4. Current and former employees of the price reporting services or compendia referred to in Paragraph 17 of the Complaint. Such persons have knowledge regarding information communicated to them by Takeda and other parties and the prices these entities reported and the methods by which these entities determined the prices reported.
5. Current and former employees of wholesalers who purchased Actos<sup>®</sup> and distributed it to healthcare providers who fulfill prescriptions. Such persons may have knowledge regarding prices charged to providers for Actos<sup>®</sup> and regarding prices reported in various pricing compendia.
6. Employees of Takeda. Such persons have knowledge regarding the pricing, marketing, sale, and distribution of Actos<sup>®</sup>. Among those employees with relevant knowledge are:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>
Tom Janus	Takeda Contracting and Pricing Manager	c/o Jenner & Block LLP 353 N. Clark St. Chicago, IL 60654 (312) 222-9350

7. Takeda expressly reserves the right to amend or supplement these Disclosures as it is premature to identify any other witnesses that Takeda expects to call at trial. Takeda expressly reserves the right to disclose the identity of other witnesses depending upon the factual and legal issues developed upon further investigation and the completion of discovery.
8. In addition, Takeda incorporates by reference all persons identified in the Rule 26 disclosures of any other defendant in this or related actions brought by the State of Mississippi on behalf of its State Health Plan.

## **II. Documents (Rule 26(a)(1)(ii))**

Takeda states that it will make available to Plaintiff documents that it has previously produced in related AWP litigation that are responsive to this Rule.

## **III. Damages (Rule 26(a)(1)(iii))**

Takeda states that no such documents exist and that this Rule is not applicable to Takeda.

## **IV. Insurance (Rule 26(a)(1)(iv))**

Takeda states that no insurance agreement exists which may satisfy all or part of a possible judgment.

Dated: July 1, 2011

Respectfully submitted,

TAKEDA PHARMACEUTICALS NORTH  
AMERICA, INC.

By: /s/ Robert R. Stauffer

One of its attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Robert R. Stauffer, an attorney, caused a true and correct copy of the foregoing **DEFENDANT TAKEDA PHARMACEUTICALS AMERICA, INC.'S INITIAL DISCLOSURES PURSUANT TO RULE 26** to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on July 1, 2011, for posting and notification to all parties.

/s/ Robert R. Stauffer

ROBERT R. STAUFFER